

ONTARIO REGULATION 645/21

made under the

REOPENING ONTARIO (A FLEXIBLE RESPONSE TO COVID-19) ACT, 2020

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Amending O. Reg. 364/20
(RULES FOR AREAS AT STEP 3 AND AT THE ROADMAP EXIT STEP)

1. Schedule 1 to Ontario Regulation 364/20 is amended by adding the following section:

Proof of vaccination

2.1 (1) The person responsible for a business or an organization described in subsection (2) that is open shall require each patron who enters an area of the premises of the business or organization that is described in that subsection to provide, at the point of entry, proof of identification and of being fully vaccinated against COVID-19.

(2) Subsection (1) applies with respect to the following areas of the premises of the following businesses and organizations:

1. The indoor areas of restaurants, bars and other food or drink establishments where dance facilities are not provided, but not with respect to takeout and delivery service.
2. The indoor and outdoor areas of food or drink establishments where dance facilities are provided, including nightclubs, restoclubs and other similar establishments, but not with respect to takeout and delivery service.
3. The indoor areas of meeting and event spaces, including conference centres or convention centres, but not including places described in subsection 4 (2) of this Schedule.
4. The indoor areas of facilities used for sports and recreational fitness activities, including waterparks and personal physical fitness trainers, including, for greater certainty, the indoor areas of facilities where spectators watch events, but not including places described in subsection 16 (4) of Schedule 2.
5. The indoor areas of casinos, bingo halls and other gaming establishments.
6. The indoor areas of concert venues, theatres and cinemas.
7. The indoor areas of bathhouses, sex clubs and strip clubs.
8. The indoor areas of horse racing tracks, car racing tracks and other similar venues.
9. The indoor areas of places where commercial film and television production takes place, where there is a studio audience. For the purposes of this paragraph, a member of the studio audience is considered to be a patron of the production.

(3) Subsection (1) does not apply where a patron is entering an indoor area solely,

- (a) to use a washroom;
- (b) to access an outdoor area that can only be accessed through an indoor route;
- (c) to make a retail purchase;
- (d) while placing or picking up an order, including placing a bet or picking up winnings in the case of a horse racing track;
- (e) while paying for an order;
- (f) to purchase admission; or
- (g) as may be necessary for the purposes of health and safety.

(4) The person responsible for a business or an organization to which this section applies shall comply with guidance published by the Ministry of Health on its website specifying,

- (a) what constitutes proof of identification and of being fully vaccinated against COVID-19; and
- (b) the manner of confirming proof of vaccination.

(5) For the purpose of this section, a person is fully vaccinated against COVID-19 if,

- (a) they have received,
 - (i) the full series of a COVID-19 vaccine authorized by Health Canada, or any combination of such vaccines,
 - (ii) one or two doses of a COVID-19 vaccine not authorized by Health Canada, followed by one dose of a COVID-19 mRNA vaccine authorized by Health Canada, or
 - (iii) three doses of a COVID-19 vaccine not authorized by Health Canada; and
- (b) they received their final dose of the COVID-19 vaccine at least 14 days before providing the proof of being fully vaccinated.
- (6) A business or an organization is exempt from the requirement under subsection (1) in respect of patrons,
 - (a) who are under 12 years of age;
 - (b) who are under 18 years of age, and who are entering the indoor premises of a facility used for sports and recreational fitness activities solely for the purpose of actively participating in an organized sport, in accordance with guidance published by the Ministry of Health on its website for the purposes of this provision;
 - (c) who provide a written document, completed and supplied by a physician or registered nurse in the extended class, that sets out, in accordance with the Ministry's guidance mentioned in subsection (4),
 - (i) a documented medical reason for not being fully vaccinated against COVID-19, and
 - (ii) the effective time-period for the medical reason;
 - (d) who are entering the indoor premises of a meeting or event space, including a conference centre or convention centre, solely for the purposes of attending a wedding service, rite or ceremony or a funeral service, rite or ceremony, but not an associated social gathering;
 - (e) who are entering the indoor premises of a meeting or event space that is located in a place of worship or in a funeral establishment, cemetery, crematorium or similar establishment that provides funeral, cemetery or cremation services and that is operated by a person licensed under the *Funeral, Burial and Cremation Services Act, 2002*, for the purposes of attending a social gathering associated with a funeral service, rite or ceremony; or
 - (f) who are entering the indoor premises of a meeting or event space other than a place described in clause (e), including a conference centre or convention centre, for the purposes of attending a social gathering associated with a wedding service, rite or ceremony or a social gathering associated with a funeral service, rite or ceremony, on or after September 22, 2021, but before October 13, 2021, as long as the patron produces the results of an antigen test administered within the previous 48 hours establishing that the person is negative for COVID-19 to the person responsible for the establishment.
- (7) A person who is a patron shall not enter an area described in subsection (2) without providing the information required by subsection (1) except,
 - (a) for a purpose specified in subsection (3); or
 - (b) in the circumstances described in subsection (6).
- (8) A person who provides any information to a business or an organization to satisfy a requirement under this section shall ensure that their information is complete and accurate.
- (9) A business or an organization shall not retain any information provided pursuant to this section.

Commencement

2. This Regulation comes into force on the later of September 22, 2021 and the day it is filed.

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